



Docket No.: 50203-135

#5 Response
w/City
9/24/03
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Takafumi FUKUMOTO

Serial No.: 09/955,031

Filed: September 19, 2001

For: SYSTEM AND METHOD FOR CALIBRATING CONTROL UNIT

: Customer Number: 20277

: Confirmation Number: 8290

: Group Art Unit: 2863

: Examiner: Hien Xuan VO

RECEIVED
SEP 23 2003
TECHNOLOGY CENTER 2800

09/26/2003 VBR0W2 0000001 500417 09955031

01 FC:1251 \$10.00 D.R.
Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are submitted in response to the Official Action mailed May 22, 2003. Claims 1-17 are now active in this application.

The indication that claim 3-8 and 12-17 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims is acknowledged and appreciated.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

Claims 1, 2 and 9-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Joyce et al. (USPN 6,550,052).

The rejections are respectfully traversed.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention such that the